

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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**DEVRY INC. and GLOBAL EDUCATION** :  
**INTERNATIONAL, INC.** :  
Plaintiffs, : **Hon. David H. Coar**  
v. :  
: **No. 08-CV-3280**  
: **Magistrate Judge Keys**  
**UNIVERSITY OF MEDICINE AND** :  
**HEALTH SCIENCES—ST. KITTS,** :  
Defendant. :  
----- :  
x

**DEFENDANT'S MOTION TO DISMISS THE COMPLAINT**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant University of Medicine and Health Sciences - St. Kitts (“UMHS”) hereby moves this Court to dismiss the Complaint for failure to state a claim upon which relief may be granted and for such other and further relief as to which UMHS may be entitled.

In support of this Motion, UMHS relies on the Complaint and the exhibits thereto and upon its Memorandum of Law in Support of Defendant's Motion To Dismiss the Complaint. The grounds for defendant's motion, as more fully set forth in its memorandum, are that the uses about which plaintiffs complain are uses that are protected, non-infringing uses as a matter of law. Under these circumstances, the case should be dismissed.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that service of true and correct copies of Defendant's Motion To Dismiss The Complaint and Notice Of Motion is being accomplished pursuant to ECF as to the following Filing User:

Arne Olson, Esq.  
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this 18th day of July, 2008.

s/ Patricia S. Smart  
PATRICIA S. SMART